

Appl No. 10/029,511
Art Unit : 2821

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

I. STATUS OF CLAIMS

Claims 1-10 and 16-24 are pending in this application. Claims 1, 2 and 5 have been amended to provide proper antecedent within these claims. Claims 11-15 have been canceled herewith without prejudice. Further, dependent claims 5, 8 and 16 were amended into independent claims, incorporating all of the limitations of their respective base claims (i.e. claims 1 and 15). In addition, claim 19 was amended to depend from claim 16 in view of the cancellation of claim 15. New claims 20-24 have been added herewith.

It is respectfully submitted that no new matter has been added by virtue of this amendment. Support for the amended claims and new claims are found throughout the specification as originally filed. In particular, support for new claims 20-24 may be found on page 6, lines 8-35, page 7, lines 1-31 and page 8, lines 10-17 of the present specification.

II. ELECTION OF CLAIMS

Applicants hereby affirm the provisional election to prosecute the claims of the group I invention (i.e. claims 1-10 and 15-19) made by William Schubert on January 30, 2004. In this regard, Applicants have canceled non-elected claims 11-14 herewith.

III. ALLOWABLE SUBJECT MATTER

Applicants acknowledge with appreciation the Examiner's indication that claims 5-10 and 16-19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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In order to expedite the prosecution of the present application, Applicants have amended claims 5 and 8 herewith into independent claims incorporating all of the limitations of independent claim 1. Further, claim 16 has been amended into an independent claim incorporating all of the limitations of independent claim 15. Accordingly, claims 5, 8 and 16, as amended, are now each in condition for allowance. As claims 6-7 depend from and incorporate the limitations of amended claim 5, claims 9-10 depend from and incorporate the limitations of amended claim 8 and claims 17-19 depend from and incorporate the limitations of amended claim 16, these dependent claims are likewise also now in condition for allowance.

IV. 35 U.S.C. 102(b) REJECTIONS

The Examiner rejected claims 1-4 under 35 U.S.C 102(b) as being anticipated by U.S. Patent No. 4,475,111 to Gittinger et al. ("the Gittinger patent"). With regard to claim 1, the Examiner alleges that figure 5 of the Gittinger patent discloses a support and a structural element mechanically attached to the support made of a continuous wire, wherein each loop of the continuous wire is one section of a plurality of foldable sections, and wherein the continuous wire is a torsion spring. The Examiner further alleges that figure 2 of the Gittinger patent discloses two latching mechanism assemblies adapted for containing the structural element in a non-deployed state..

In response, Applicants respectfully disagree with the Examiner's position. There are at least two reasons why the Examiner's anticipation rejection to claim 1 should be withdrawn.

First, the Examiner appears to have mistakenly interpreted claim 1 to mean that the entire continuous wire of the structural element recited in this claim is a torsion spring. Specifically, as mentioned above, the Examiner in his rejection stated in relevant part that the Gittinger patent discloses a structural element made of continuous wire and wherein

the continuous wire is a torsion spring. However, claim 1 recites in relevant part "...at least one structural element comprises a continuous wire, wherein the continuous wire is adapted to form a plurality of foldable sections; and wherein the continuous wire is adapted to form at least one torsion spring between the plurality of foldable sections." As is clearly evident from the reading of claim 1 and the present specification, the torsion spring is formed from only a portion of the continuous wire between a plurality of foldable sections of the structural element and not from the entire continuous wire as alleged by the Examiner.

Second, even if the Examiner's interpretation of claim 1 were correct, the Gitterer still does not anticipate claim 1 of the present invention, because the Gitterer patent does not teach or suggest a torsion spring. As noted above, the Examiner stated in his rejection in relevant part that figure 5 of the Gitterer patent discloses a structural element (i.e. helix member) made of continuous wire and wherein the continuous wire is a torsion spring. However, the helix member of the Gitterer patent, is not in the form of a torsion spring, nor does it function as one. Rather the helix member of the Gitterer patent is only a metal tape which fits loosely around the support post for movement of the helix axially inward and outward. (**See Column 6, lines 48-68 and column 7, lines 1-9 of the Gitterer patent**) Thus, the Gitterer patent at the very least fails to teach or suggest the at least one torsion spring , as recited in claim 1.

Accordingly , for the reasons set forth above, withdrawal of the Examiners' rejection to claim 1 is respectfully requested. Moreover, since claims 2-4 depend from and incorporate all of the limitations of independent claim 1, withdrawal of the above rejection to these claims is also respectfully requested.

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The Examiner also rejected claim 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,992,120 to Meguro et al. ("the Meguro patent")

As noted above, claim 15 has been canceled herewith and all of the limitations of this claim were incorporated into claim 16 in order to obtain an allowance of claim 16 and also to expedite the prosecution of the present application. Therefore, the above rejection is now moot.

V. NEW CLAIMS

As discussed new claim 20-24 have been added. Support for these new claims can be found throughout the specification as originally filed and in the specific areas of the present specification noted in the "Status of the Claims" section of this amendment.

Moreover, new claim 20 is patentable over the Gittinger patent. Similar to the analysis of claim 1, the Gittinger patent at the very least fails to teach or suggest the at least one torsion spring , as recited in claim 20.

Therefore, new claim 20 is patentable over the Gittinger patent. Since new claims 21-24 depend from and incorporate all of the limitations of independent claim 20, these claims are likewise patentable over the Gittinger patent.

Lastly, new claims 20-24 are also patentable over the Meguro patent, which relates to a modular deployable antenna, because the Meguro patent at the very least fails to teach or suggest the at least one torsion spring , as recited in claim 1.

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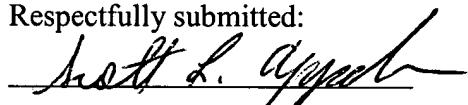
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VI. CONCLUSION

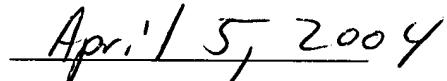
It is believed that all pending claims as currently presented are in condition for allowance. A notice of allowance is respectfully requested.

According to currently recommended Patent Office policy, The Examiner is requested to contact the undersigned at the telephone number provided below in the event that a telephone interview will advance the prosecution of this application. An early and favorable action is earnestly solicited.

Respectfully submitted:



Scott L. Appelbaum



Date

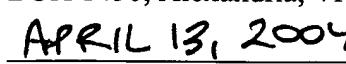
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